

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KRISTI ZIEMER,

Plaintiff,

v.

GURSTEL LAW FIRM, P.C.,
STEPHEN M. KAMINSKY, and
DOES 1-10,

Defendants.

ORDER

Case No. 19-cv-496-wmc

Pro se plaintiff Kristi Ziemer brought this lawsuit against defendants, bringing claims under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692e, *et seq.* Prior to the preliminary pretrial conference, Ziemer notified the court that the parties agreed to a dismissal of this case without prejudice. Therefore, the court cancelled that conference, but then when the dismissal papers were not filed, Magistrate Judge Crocker re-set the telephonic preliminary pretrial conference. On October 30, 2019, after Ziemer failed to call in for that conference, Judge Crocker issued a text-only order (1) scheduling a dispositive motion deadline and trial date, and (2) warning Ziemer that she is at risk of having her case dismissed for failure to prosecute. (Dkt. #10.)

On May 1, 2020, defendants filed a motion to dismiss for lack of prosecution, seeking dismissal on the grounds that Ziemer (1) failed to file the parties' stipulation to dismiss the case without prejudice, (2) failed to appear at the court's preliminary pre-trial conference, (3) failed to follow the court's order directing the parties to work together to schedule case deadlines, and (4) ignored emails from defendants' counsel about these

issues. (Dkt. ##11, 12.) The court set May 18, 2020, as Ziemer's deadline to respond to the motion to dismiss. That deadline has passed, and Ziemer has not responded to defendants' motion or contacted the court seeking an extension of that deadline. Ziemer's failure to respond to defendants' motion, or to take any other action indicating that she preparing to respond, suggests that she has abandoned this lawsuit. Accordingly, the court will give Ziemer one more chance to avoid dismissal of this lawsuit for failure to prosecute: she now has until **June 22, 2020**, to file an opposition to defendants' motion to dismiss. Her failure to meet this deadline will cause the court to grant defendants' motion as unopposed and dismiss this lawsuit with prejudice for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).

ORDER

IT IS ORDERED that plaintiff Kristi Ziemer may have until **June 22, 2020**, to file a response to defendants' motion to dismiss. **If Ziemer does not respond by that date, the court will dismiss this lawsuit with prejudice for failure to prosecute.**

Dated this 8th day of June, 2020.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge